

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 24-24647-CV-WILLIAMS

MADELIN LORENZO,

Plaintiff,

v.

TESSA LEVY, *et al.*,

Defendants.

ORDER

THIS MATTER is before the Court on Chief Magistrate Judge Jonathan Goodman's Report and Recommendations (DE 6) ("**Report**") recommending *sua sponte* dismissal of Plaintiff Madelin Lorenzo's ("**Lorenzo**") Complaint (DE 1) without prejudice. In the Report, Judge Goodman recommends that the Complaint be dismissed or failure to state a claim. (DE 6 at 2.) Specifically, Judge Goodman finds that Plaintiff has: (1) failed to clearly identify the relevant state/city/county laws implicated in this action; (2) failed to identify which counts are asserted against which Defendants; and (3) failed to specify what each Defendant did or did not do. (*Id.* at 7.) Judge Goodman further finds that Plaintiff has failed to adequately plead her FLSA claim and the Court's subject matter jurisdiction. (*Id.* at 9.) Ultimately, Judge Goodman recommends that the Court *sua sponte* dismiss the Complaint without prejudice and deny Plaintiff's pending Motion to Proceed *In Forma Pauperis* (DE 3) as moot without prejudice. (*Id.* at 12.)

Plaintiff did not file objections to the Report but filed a Motion for Extension of Time to File Amended Complaint ("**Motion for Extension of Time**"). (DE 10.) It is

unclear from the Motion for Extension of Time whether Plaintiff seeks more time to file an amended complaint or to object to the Report. Nonetheless, upon a careful review of the Report, the record, and applicable law, it is **ORDERED AND ADJUDGED** as follows:

1. Judge Goodman's Report (DE 6) is **AFFIRMED AND ADOPTED**.
2. Plaintiff's Motion for Extension of Time to File Amended Complaint (DE 10) is **GRANTED**.
3. Plaintiff's Complaint (DE 1) is **DISMISSED WITHOUT PREJUDICE**. If Plaintiff believes she can cure the deficiencies in the Complaint described in the Report, she must do so by filing an amended complaint **on or before February 10, 2025**. Failure to do so will result in dismissal of this action.
4. Plaintiff's Motion to Proceed *In Forma Pauperis* (DE 3) is **DENIED AS MOOT WITHOUT PREJUDICE**. If Plaintiff files an amended complaint, she may file a renewed motion to proceed *in forma pauperis*.
5. Plaintiff's Motion for Referral to the Volunteer Attorney Program (DE 9) is **GRANTED**. However, Plaintiff must comply with Court orders and deadlines even if she is unable to secure counsel.

DONE AND ORDERED in Chambers in Miami, Florida, on this 27th day of January, 2025.


KATHLEEN M. WILLIAMS
UNITED STATES DISTRICT JUDGE

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